

MAR 07 2009

FILED

Mar 07 2008

WAYNE R. ANDERSEN
U. S. DISTRICT COURT JUDGE

UNITED STATES OF AMERICA,)
Plaintiff,) No. 08 C 1101
v.) Judge Andersen
TREMELL MURPHY,)
Defendant.)

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

The United States of America and Tremell Murphy, hereby stipulate and agree as follows:

1. This court has subject matter jurisdiction over this matter under 31 U.S.C. § 3730(a) and 28 U.S.C. § 1345.
2. The court has personal jurisdiction over the defendant, who acknowledges receipt of a copy of the complaint in this action.
3. Defendant acknowledges his liability to the United States in the amount of \$14,136, which is the United States' double damages in connection with his receipt of unemployment insurance benefits from the United States Railroad Retirement Board, as is more fully set out in the complaint filed in this cause.
4. Defendant agrees to submit a financial statement and copies of his federal and state income tax returns for the prior year to the United States Attorney's Office on May 15th of each year, until the judgment debt is paid in full. Defendant further agrees to notify the United States Attorney's Office within thirty days of any change of address or employment until the judgment debt is paid in full.

5. In return for defendant's consent to entry of judgment, the United States agrees to accept the amount of \$14,136, plus post-judgment interest. This judgment amount shall be paid in monthly installments in the minimum amount of \$350, beginning April 15, 2008 and on the 15th day of each month thereafter, until the debt is paid in full. This installment payment amount may be adjusted after one year, and thereafter annually, if defendant's financial statement or other information indicates the ability to make a higher installment payment amount.

6. All payments shall be by certified bank check, personal check, or money order made payable to "U.S. Department of Justice" and shall be directed to the:

U.S. Department of Justice
P.O. Box 70932
Charlotte, NC 28272-0932

or to another location as directed by the United States Attorney's Office or the Department of Justice.

7. The United States will record a judgment lien against defendant to secure payment of this consent judgment debt. The proceeds from the sale of any real estate in which defendant has an interest may be used to satisfy a portion or all of this judgment debt. Unless stated otherwise, nothing in this stipulation shall be interpreted to prevent the United States from employing any lawful remedy to enforce the judgment.

8. In the event defendant defaults on either the payment of any installment or the yearly submission of the financial statement and tax returns, the balance of the judgment, including post-judgment interest, shall immediately become due and payable, and the United States may proceed with available administrative and judicial remedies to enforce the judgment debt, upon notice to the defendant.

9. Notice pursuant to paragraph eight shall be deemed due and sufficient notice if sent by first class mail, postage prepaid, to defendant's address as listed below or to any new address provided by the defendant.

10. The district court shall retain jurisdiction over this case for purposes of enforcing the Consent Judgment Order.

11. This is a publicly available document, and defendant waives any claim that this or any other document filed in this case along with any information contained therein is subject to the Privacy Act of 1974, 5 U.S.C. § 552a.

Respectfully submitted,

United States of America

PATRICK J. FITZGERALD
United States Attorney

By: 

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Dated: February 28, 2008



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Dated: February 28, 2008